

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOC #:

DATE FILED: 3/25/08

USDC DNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 11/27/07

WILLIE ALEXANDER

Plaintiff,

07 Civ. 9662 (RMB) (DPE)

- against -

MEMORANDUM AND ORDER

DOCTOR GALENO, (DOCS),
DOCTOR PERILLI, (DOCS), and
Mr. L. MARSHALL, Superintendent,

Defendants.

*Duplicate
Original
3/25/08 H*

DOUGLAS F. EATON, United States Magistrate Judge.

1. District Judge Richard M. Berman has referred this case to me to conduct general pretrial supervision. This means that I will rule on pretrial scheduling and discovery, but Judge Berman will rule on any dispositive motions.

2. A review of the Court records indicates that the complaint was filed on October 31, 2007, and there is no proof that the summons and complaint have been served upon any of the defendants. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint [i.e., by February 28, 2008], the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period...

3. I direct Mr. Alexander to complete all action needed for formal service of the summons and complaint upon each defendant. For this purpose, plaintiff must fill out the forms provided by this Court's Pro Se Office and forward them to the U.S. Marshal. If plaintiff needs more forms, he should request them from the Pro Se Office.

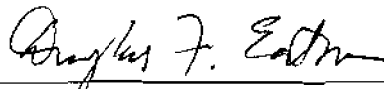
4. If plaintiff does not, by February 28, 2008, send me proof of service or good reasons for failure to make service,

then I will recommend that the District Judge dismiss this lawsuit as to any unserved defendant.

5. As soon as any defendant has been served, plaintiff must write to me within 30 days to tell me which defendant has been served.

6. Plaintiff is required to give prompt written notice, to both the Pro Se Office and my chambers, about any change of address. Failure to do so may result in a dismissal of the lawsuit.

7. The address of the Pro Se Office is Room 230, United States Courthouse, 500 Pearl Street, New York, NY 10007, and their telephone number is (212) 805-0175. They can provide assistance in connection with the Court's procedures, but they can not give legal advice.



DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
November 27, 2007

Copies of this Memorandum and Order are being sent by mail to:

Willie Alexander
90-B-3134
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

Pro Se Office
U.S. District Courthouse
500 Pearl Street, Room 230
New York, NY 10007

Hon. Richard M. Berman